

Appln No. 10/733,822  
Amdt date May 18, 2007  
Reply to Office action of February 21, 2007

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (Currently Amended) A beverage container attachment comprising:  
a cup portion comprising an inner surface that forms a reservoir for receiving a food substance and a connector having an opening, wherein the connector is for attaching the cup portion to a beverage container; and  
a beverage regulator attached to a wall that defines the connector opening to allow a beverage to enter the reservoir through the connector opening while preventing the beverage from exiting through the connector opening or is movable and allows the beverage to exit the beverage container directly without entering the reservoir.
2. (Original) The beverage container attachment of claim 1, wherein the beverage regulator is a conduit.
3. (Original) The beverage container attachment of claim 1, wherein the beverage regulator is a conduit that is completely contained within the reservoir.
4. (Original) The beverage container attachment of claim 1, wherein the beverage regulator is a conduit that spirals upwardly within the reservoir.
5. (Original) The beverage container attachment of claim 1, wherein the beverage regulator is a conduit having a lower end with an opening that is in fluid communication with the connector opening to receive the beverage from the beverage container and wherein the lower end of the conduit forms a fluid tight seal with the wall that defines the connector opening.

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6. (Original) The beverage container attachment of claim 5, wherein the conduit comprises an upper end having an opening for dispensing beverage from the beverage container into the reservoir of the cup portion, and wherein the upper end opening is disposed at a substantially horizontal orientation and terminates at an upper end of the cup portion.

7. (Original) The beverage container attachment of claim 1, wherein the conduit comprises an upper end having an opening for dispensing beverage from the beverage container into the reservoir of the cup portion, and wherein the upper end opening is disposed at a substantially horizontal orientation and terminates at an upper end of the cup portion.

8. (Original) The beverage container attachment of claim 1, wherein the food substance is a frozen food substance.

9. (Original) The beverage container attachment of claim 8, wherein the food substance is a frozen food substance chosen from the group consisting of ice cream and frozen yogurt.

10. (Original) The beverage container attachment of claim 1, wherein the connector contains threads for forming a removable threaded connection with the beverage container.

11. (Original) The beverage container attachment of claim 1, further comprising a lid portion removably attached to the cup portion.

12. (Original) The beverage container attachment of claim 11, wherein the lid portion comprises a drinking opening.

13. (Original) The beverage container attachment of claim 11, wherein the lid portion comprises a spout having a drinking opening.

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14. (Currently Amended) A beverage container attachment comprising:

a cup portion comprising an inner surface that forms a reservoir for receiving a food substance and a connector having an opening, wherein the connector is for attaching the cup portion to a beverage container; and

a conduit disposed within the reservoir and attached to a wall that defines the connector opening to allow a beverage to enter the reservoir through the connector opening while preventing a beverage from exiting through the connector opening or is movable to allow the beverage to exit the beverage container without entering the reservoir, wherein the conduit comprises a lower end with an opening that is in fluid communication with the connector opening to receive the beverage from the beverage container and wherein the lower end of the conduit forms a fluid tight seal with the wall that defines the connector opening.

15. (Original) The beverage container attachment of claim 14, wherein the conduit comprises an upper end having an opening for dispensing beverage from the beverage container into the reservoir of the cup portion, and wherein the upper end opening is disposed at a substantially horizontal orientation and terminates at an upper end of the cup portion.

16. (Original) The beverage container attachment of claim 15, wherein the food substance is a frozen food substance chosen from the group consisting of ice cream and frozen yogurt.

17. (Original) The beverage container attachment of claim 14, wherein the connector contains threads for forming a removable threaded connection with the beverage container.

18. (Original) The beverage container attachment of claim 14, further comprising a lid portion removably attached to the cup portion.

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19. (Original) The beverage container attachment of claim 14, wherein the lid portion comprises a drinking opening.

20. (Original) The beverage container attachment of claim 14, wherein the lid portion comprises a spout having a drinking opening.

21. (Currently Amended) A beverage assembly comprising:  
a beverage container having a beverage disposed therein and having an opening through which the beverage may pass;

a beverage container attachment comprising:

a cup portion comprising an inner surface that forms a reservoir for receiving a food substance and a connector having an opening in fluid communication with the beverage container opening, wherein the connector removably attaches the cup portion to the beverage container; and

a spiral conduit disposed within the reservoir and comprising a lower end having an opening and an upper end having an opening, wherein the lower end of the conduit forms a fluid tight seal with the wall that defines the connector opening, and wherein the lower end opening of the conduit is in fluid communication with the connector opening and the beverage container opening to allow the beverage from the beverage container to enter the connector opening, traverse the lower end opening of the conduit, and exit the conduit through the upper end opening of the conduit to enter the reservoir, while the fluid tight seal prevents the beverage from exiting the reservoir through the connector opening.

22. (Original) The beverage assembly of claim 21, wherein the upper end opening of the conduit is disposed at a substantially horizontal orientation and terminates at an upper end of the cup portion

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23. (Original) The beverage assembly of claim 21, wherein the food substance is a frozen food substance chosen from the group consisting of ice cream and frozen yogurt.

24. (Original) The beverage assembly of claim 23, wherein the beverage is a soda beverage.

25. (Original) The beverage assembly of claim 21, further comprising a lid portion removably attached to the cup portion.

26. (Original) The beverage assembly of claim 21, wherein the lid portion comprises a drinking opening.

27. (Original) The beverage assembly of claim 21, wherein the lid portion comprises a spout having a drinking opening.